

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

IN THE MATTER OF:
GHANSHYAM P. MASSAND, M.D.

No. C-95-112

ADMINISTRATIVE DECISION

This matter came on for hearing before the duly appointed Hearing Committee of the Board of Medical Licensure and Discipline within the Department of Health (hereinafter "Board") on the 11th day of February 1998 upon a Specification of The Charges issued January 6, 1998. The Specification of The Charges which were forwarded to the Respondent, together with the notification of the time and date of hearing, allege that the Respondent is guilty of unprofessional conduct by virtue of sanctions having been issued against Respondent's Massachusetts license for actions undertaken in that State, which actions, had they been undertaken in Rhode Island, would constitute grounds for discipline in the State of Rhode Island pursuant to R.I.G.L. 5-37-5.1(21). A copy of the Order entered by the Board of Registration in Medicine for the Commonwealth of Massachusetts on February 7, 1997, is attached hereto and was incorporated by reference into the Specification of The Charges issued by the State.

The State of Rhode Island brings the within action for the sole purpose of seeking to give full faith and credit to the Order of the Massachusetts Board by imposing the same sanctions and/or restrictions (other than the Administrative fine) upon Respondent's license to practice medicine in Rhode Island.

The State was represented by Bruce McIntyre, Esquire. The Respondent did not appear before the Board in response to the charges. Since Respondent failed to appear, the State set forth certain facts on the record without objection. Specifically, counsel for the State advised the Board that he was contacted by the Respondent on February 10, 1998 requesting a continuance of the hearing for the purpose of permitting Respondent to attend a conference in California (See Ex.1). Also, via Ex. 1, Respondent requested that a full evidentiary hearing be undertaken. The State declined to agree to a continuance. On February 11, 1998, the date set for hearing, Mr. McIntyre was contacted by the Respondent who indicated that he had not gone to the aforementioned conference, and that he was in Massachusetts seeing patients. Shortly thereafter, the State received a fax copy of a letter dated February 11, 1998 from Burton A. Waishren, Jr., M.D., J.D. indicating that he represented the Respondent for the limited purpose of helping him identify and retain a suitable Rhode Island attorney. The letter further directed the Board to cease and desist in its proceedings until such time as counsel was obtained. The letter was received by the State approximately one (1) hour prior to the time set for hearing by the Board (Ex.2).

The Respondent did not attend the hearing. The Board voted unanimously on the record to proceed to hearing.

The State then set forth the terms of the Massachusetts Order, a copy of which was attached to the Specification of The Charges forwarded to the Respondent.

The State also put forth on the record the fact that it had no evidence that Respondent was in compliance with the Massachusetts Order or that the restrictions and/or sanctions imposed upon Respondent's Massachusetts license had been lifted. The Board was advised on the record that the terms and conditions of the Massachusetts Order remained in full force and effect.

Upon conclusion of his presentation, counsel for the State urged the Board to extend the conditions imposed upon Respondent's Massachusetts license to his privilege to practice medicine in Rhode Island.

Based upon the evidence and argument presented, the Board specifically finds that the State of Rhode Island has an obligation to the citizens of the State to monitor the activities of Rhode Island licensees, whether practicing in this State or otherwise, to insure that the delivery of medical services comports with acceptable medical standards. After hearing before the Massachusetts Board of Registration and Medicine, that Board determined that Respondent's practice fell below acceptable standards and issued appropriate sanctions and restrictions against Respondent's Massachusetts license.

Upon review of the Massachusetts Order, the Rhode Island Board of Medical Licensure and Discipline hereby adopts the findings and conclusions therein for the purpose of giving full faith and credit to the Massachusetts Order and of protecting the citizens of the State of Rhode Island.

Based upon the foregoing, the Board enters the following

ORDER

1) The Board hereby reprimands the Respondent.

2) The Board hereby restricts the Respondent's right to practice in the State of Rhode Island as follows: the Respondent may not perform spinal surgery; and the Respondent must obtain a second orthopedic opinion prior to performing any elective open surgical procedure. These restrictions on the Respondent's practice shall remain in effect for at least six months from the Board's issuance of this Order, if the Respondent has active privileges during this time period. If the Respondent does not have active privileges during this time period, then such restrictions shall remain in effect for at least the first six month period during which the Respondent has active privileges subsequent to the Board's issuance of this Order.

3) Subsequent to that period of time, the Respondent may petition the Board to lift or modify these restrictions. However, the Board notes that such restrictions shall remain in effect after the expiration of the six month period referenced above until such time that the Board may, in its discretion, lift or modify such restrictions. Any petition must include, at a minimum, the following evidence that the Respondent has obtained additional relevant surgical training; a practice plan in which the Respondent describes to the Board in detail how he intends to transition back into the practice of spinal surgery in the role of primary surgeon; and an itemization of all elective open surgical

procedures performed by the Respondent since the Massachusetts Board's issuance of their Final Decision, to include a description of each procedure and the complication rate.

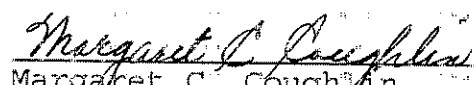
4) Lastly, the Respondent must arrange for the Chief of Surgical Services at any hospital at which he has privileges to submit monthly reports to the Board for a period of six months, beginning within thirty (30) days of the Board's issuance of this Order. Such monthly reports must include case reviews of all surgeries, to include case outcomes, the Respondent's complication rate for the relevant month, and copies of any requisite second orthopedic opinions obtained by the Respondent prior to performing any elective open surgical procedures.

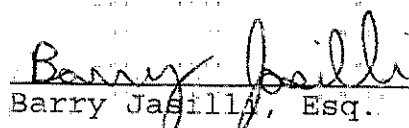
The Respondent is hereby ordered to provide any employer or health care facility with which he has any appointment, privileges or other association, with a copy of this Order, by certified mail, return receipt requested, and the Respondent is further directed to certify to the Board, within ten (10) days, that he has complied with this directive.

The Respondent has the right to appeal this Decision and Order within 30 days to the Superior Court of the State of Rhode Island.

Date: 3/25/98


Robert T. Leonard, D.O.


Margaret C. Coughlin


Barry Jallil, Esq.